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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,959	03/21/2000	Atsushi Mizutome	35.C14358	6913
5514	7590	11/02/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/531,959	MIZUTOME ET AL.	
	Examiner	Art Unit	
	Michael W. Hoye	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39, 46-56, 58, 59, 65 and 66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39, 46-56, 58, 59, 65 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on May 25, 2005 have been fully considered but they are not persuasive.

Regarding independent claims 39 and 66, the Applicants' argue on page 9 of the Remarks section that:

"A feature of the present invention therefore lies in producing integrated program information data based on a discrimination of whether first and second program information data relate to a same program, wherein the integrated program information data comprises main program information associated with the first program information data complemented with detailed program information associated with the second program information data. Klosterman, Yoshinobu and Schein are not seen to disclose or suggest at least this feature."

More specifically, the Applicants argue on pages 9-10 that:

"Although Klosterman may be seen to disclose the merging of schedule information from multiple sources, it is not seen to disclose or suggest discriminating whether main program information associated with first program information data and detailed program information associated with second program information data relate to a same program. Rather, Klosterman merely discloses different display options for a user when channels from multiple sources overlap."

In response, the Examiner respectfully disagrees with the Applicants because Klosterman clearly discloses, "discriminating whether main program information associated with first program information data and detailed program information associated with second program information data relate to a same program", as met by col. 7, lines 19-38, where remote 32 can be utilized by the user to program coordinator 20 or to move between different channels, times and shows in grid guide 50, moreover, the remote control 32 can be used to select a certain

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channel or show for displaying additional information associated with a particular show, and the additional information associated with a particular show may include a short description of that show. Therefore, the receiver or coordinator 20 of Klosterman inherently discriminates whether main program information associated with first program information (i.e. the shows in grid guide 50) and detailed program information associated with second program information data (i.e. a short description of a show) relate to a same program by the coordinator 20 accessing any additional information associated with a certain channel or show selected by a user, which is obtained by accessing the desired information in RAM 38 or switching to a different input of data, where the specific detailed program information or short description of the selected show or main program information may be found.

Finally, on pages 10-11, the Applicants argue that:

“Although Klosterman may be seen to disclose the presentation of additional information on a display, the additional information of Klosterman is seen to supplement data which is already being displayed. ... In contrast, the present invention produces integrated program information data comprising main program information associated with first program information data complemented with detailed program information associated with second program information data. It is integrated program information data that is used for display, rather than the overlaying of additional information onto existing data as disclosed by Klosterman.”

In response, the Examiner respectfully disagrees with the Applicants because Klosterman clearly discloses, “producing integrated program information data based on a discrimination of whether first and second program information data relate to a same program, wherein the integrated program information data comprises main program information associated with the first program information data complemented with detailed program information associated with the second program information data”, as met by col. 7, lines 19-38, as described in-part in the

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response given above, and where Klosterman further discloses that the additional information or “detailed program information” is displayed in an appropriate place within grid guide 50, which may be a defined information window at the top of bottom of the screen. Therefore, Klosterman clearly discloses the display of integrated program information data, which comprises “the main program information...” as met by the show and “the detailed program information...[which] complements the main program information” as met by the additional information associated with a particular show, such as a short description of that show, which may be displayed at the top or bottom of the screen integrated with the program shows within grid guide 50.

Claim Objections

2. Claims 1 and 66 are objected to because of the following informalities: in line 3 of claim 1, the claimed “first program information” should be --first program information data--. A similar informality occurs in line 4 of claim 66. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 39, 46-50, 52-55 and 65-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Klosterman (USPN 5,550,576), previously cited by the Examiner.

As to claim 39, Klosterman discloses reception means 20 for receiving a television signal (column 5, lines 13-26).

Klosterman discloses input means for entering first program information data and second program information data (e.g. cable and DBS (or any other medium capable of transmitting a signal), see col. 2, line 62 – col. 3, line 9 and col. 7, lines 19-38), each relating to said television signal (col. 2, lines 62-65). The claimed wherein said first program information data is associated with main program information and said second program information data is associated with detailed program information is met by the different channels, times and shows in grid guide 50 (Fig. 2), where the remote control 32 can be used to obtain additional information about a show that includes a brief or short description of the show (column 7, lines 19-38).

Klosterman discloses the claimed, “discrimination means for discriminating whether the first program information data and the second program information data relate to a same program”, as met by col. 6, lines 48-56 (for coordinator 20 automatically noting duplicate network names and deleting one of the duplicates) and col. 7, lines 19-38, where remote 32 can be utilized by the user to program coordinator 20 or to move between different channels, times and shows in grid guide 50, moreover, the remote control 32 can be used to select a certain channel or show for displaying additional information associated with a particular show, and the additional information associated with a particular show may include a short description of that show. Therefore, the receiver or coordinator 20 of Klosterman inherently discriminates whether main program information associated with first program information (i.e. the shows in grid guide 50) and detailed program information associated with second program information data (i.e. a

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short description of a show) relate to a same program by the coordinator 20 accessing any additional information associated with a certain channel or show selected by a user, which is obtained by accessing the desired information in RAM 38 or switching to a different input of data, where the specific detailed program information or short description of the selected show or main program information may be found.

Klosterman discloses, "integration means for producing integrated program information data for the same program, wherein the integrated program information data comprises the main program information associated with the first program information data and the detailed program information associated with the second program information data, and wherein the detailed program information complements the main program information", as met by col. 6, lines 48-56 and col. 7, lines 19-38, as described in-part above, and where Klosterman further discloses that the additional information or "detailed program information" is displayed in an appropriate place within grid guide 50, which may be a defined information window at the top of bottom of the screen. Therefore, Klosterman clearly discloses the display of integrated program information data, which comprises "the main program information..." as met by the show and "the detailed program information...[which] complements the main program information" as met by the additional information associated with a particular show, such as a short description of that show, which may be displayed at the top or bottom of the screen integrated with the program shows within grid guide 50.

Klosterman discloses display means for displaying integrated program information based on said integrated program information data in a display frame as described above (also see Fig. 2 and col. 6, lines 48-56).

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As to claim 46, Klosterman discloses the remote control can be used to obtain additional information about the show that includes a brief description of the program, which may be placed in the grid guide (col. 7, lines 19-38), which meets the limitation on the second program information data including at least a text explaining the outline of the program.

As to claim 47, Klosterman discloses instruction means for instructing a producing operation by the integration means and input control means for controlling the input means in such a manner as to enter the second program information data (program from second source is part of user's habit) in response to the instruction by the instruction means (col. 6, lines 48-56).

As to claim 48, Klosterman discloses setting means for setting a range (habits) of producing operation by the integration means and the input control means is adapted to control input means in such a manner as to enter the second program information data corresponding to the range set by the setting means (col. 6, lines 48-56).

As to claim 49, Klosterman discloses instructing means for instructing a producing operation by the integration means (e.g. cable and DBS: col. 2, line 62 – col. 3, line 9).

Klosterman discloses setting means for setting a range of the producing operation by the integration means (user's habit: col. 6, lines 48-56).

Klosterman discloses the integration means is adapted to produce the integrated program information data corresponding to the range set by the setting means (col. 6, lines 34-56).

As to claim 50, Klosterman discloses the setting means (channels lined up based on user's habit) is adapted to set a channel (col. 6, lines 48-56).

As to claim 52, Klosterman discloses integration means is adapted to produce the integrated program information data relating (habits: col. 6, lines 50-52) to a currently observed program (overlay: col. 6, lines 57-67).

As to claim 53, Klosterman discloses designation means for designating a range (user's habits) of the producing operation by the integration means within the information relating to the first program information data and display by the display means (col. 6, lines 34-56).

Klosterman discloses the integration means is adapted to produce the integrated program information data according to the designation by the designation means (col. 6, lines 34-56; Fig. 2).

As to claim 54, Klosterman discloses the designation means (channels lined up based on user's habit) is adapted to designate a channel (col. 6, lines 48-56).

As to claim 55, Klosterman discloses the integration means is adapted to produce the integrated program information data in such a manner as to display program information integrating the first and second program information data in a display frame (Figure 2) for displaying the information relating the first program information data and corresponding to the range (user's habits) designated by the designation means (col. 6, lines 34-56).

As to claim 65, Klosterman discloses the program guide information is provided by the source of the programming such as by two different satellites (col. 2, line 62 – col. 3, line 9), which meets the limitation on first program information data and second program information data are input by a same broadcast system.

As to claim 66, the claimed method for processing program information is met by similar grounds as the rejection of claim 39.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman.

As to claim 56, Klosterman discloses the range (user's habits) determines what programs are displayed (col. 6, lines 48-56). However Klosterman is silent on the claimed integration means is adapted to expand a display frame for displaying the integrated program information. The examiner takes Official Notice that expanding the size of a window or GUI is notoriously well known in computer display arts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to expand the display frame in order to give the user a bigger and more readable display

7. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Yoshinobu (USPN 5,686,954), previously cited by the Examiner.

As to claim 51, Klosterman fails to disclose a program guide displaying a program guide in a time zone closest to the current time. Yoshinobu discloses the user can display the program guide in a certain time zone (col. 21, lines 43-54), which meets the limitation on a time zone close to the current time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to have the program guide displayed in a time

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zone close to the current time as taught by Yoshinobu in order to prevent the user from tuning to the program during a different time because of confusion from time zones.

8. Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Schein (USPN 5,801,787), previously cited by the Examiner.

As to claims 58-59, Klosterman fails to disclose a search condition. Schein discloses search condition setting means for setting search condition (col. 5, line 55 – col. 6, line 30).

Schein discloses the integration means is adapted to execute search in the second program information data according to the search condition set by the search condition setting means, and to produce the integrated program information data based on the result of the search (col. 5, line 55 – col. 6, line 30; Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to have a search as taught by Schein so the user is aware of the future showings from certain sources.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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Or-faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **<http://pair-direct.uspto.gov>**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer
October 25, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
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